

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *g* D.C.
05 MAY 24 PM 3:10

ROBERT S. McLELLAN
CLERK, U.S. DIST. CT.
W.D. OF TN., MEMPHIS

BETTY JONES,)
)
Plaintiff,)
)
vs.) Civ. No. 04-3052-M1/P
)
MEDEGEN MEDICAL PRODUCTS, LLC,)
)
Defendant.)
)

ORDER GRANTING DEFENDANT'S MOTION TO COMPEL DISCOVERY
AND FOR SANCTIONS

Before the court is Defendant's Motion to Compel Discovery and for Sanctions, filed May 2, 2005 (Dkt #9). Local Rule 7.2(a)(2) requires that

the response to the motion and its supporting memorandum . . . shall be filed within fifteen days after service of the motion and shall be accompanied by a proposed order. Failure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.

The time for filing a response to defendant's motion to compel discovery and for sanctions has passed. Therefore, the motion is GRANTED.

IT IS THEREFORE ORDERED that within eleven (11) days of the date of this Order (1) Plaintiff will fully comply with and make her initial disclosures to defendant pursuant to Rule 26(a) of the

Federal Rules of Civil Procedure, including all documents, or a description by category and location of all documents or data compilations, that are known to and in the custody, possession, or control of plaintiff which may be used to support plaintiff's claims or defenses, unless solely for impeachment; (2) produce to defendant all documents and tangible things requested in Defendant's First Request for Production of Documents and a written response to Defendant's First Request for Production of Documents stating whether the requested items are in plaintiff's possession or control; and (3) pay defendant's reasonable expenses, including attorneys' fees, in making its motion.

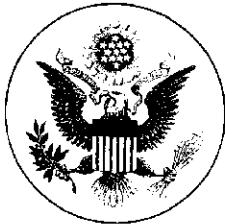
Defendant is ORDERED to submit an affidavit detailing the fees and expenses incurred in pursuing this motion within fourteen (14) days of the entry of this order. Plaintiff is to submit any objection to defendants' fees and expenses within ten (10) days of defendant's submission. If plaintiff does not object to defendant's fees and expenses within the time allowed, then the court orders that plaintiff pay the fees and expenses detailed in the affidavit within forty (40) days of the submission of the affidavit by defendant. If the plaintiff timely objects to defendant's fees and expenses, then the court will review the affidavit and objection(s) and rule on the amount of fees and expenses to be paid by the plaintiff.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge

5/24/05
Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 2:04-CV-03052 was distributed by fax, mail, or direct printing on May 25, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT